

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ERIC CHRISTIAN,
vs.
PETER LEAVITT, et al.,
Plaintiff,
Defendants.

Case No. 2:15-cv-00303-GMN-GWF

REPORT AND RECOMMENDATION

This matter is before the Court on Plaintiff Eric Christian's Motion for Leave to Proceed *in forma pauperis* (#1), filed on February 20, 2015.

The Plaintiff has previously filed a complaint based on these same facts. See Case No. 2:14-cv-1151-RFB-GWF. There, the Plaintiff alleged that Judge James Mahan, the United States Attorney's Office, and the United States Marshal's Office conspired to deprive him of his career as an artist. The Plaintiff references this suit in the instant complaint. (#1-1), p. 3 ¶ 4. The Plaintiff has filed three complaints in that matter. The Court has dismissed the Plaintiff's complaints three times, and has recommended that the Second Amended Complaint be dismissed with prejudice, as the Plaintiff has never stated a claim upon which relief can be granted. *See Report and Recommendation*, Case No. 2:14-cv-1151-RFB-GWF (#16).

In the instant action, the Plaintiff alleges the same facts, but limits the action to a claim for malicious prosecution against Defendant Peter Leavitt of the United States Attorney's Office. The Plaintiff's claims are being litigated in case no. 2:14-cv-1151-RFB-GWF, and the Plaintiff has already been approved to proceed *in forma pauperis* in that action. *See Order (#3).* The complaint in the instant action appears to be nothing more than the Plaintiff attempting to avoid the Court's

1 recommendation that his case be dismissed with prejudice. There is no need for the Court to open
2 a second case to litigate the same series of facts. Accordingly,

3 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Proceed *in forma pauperis* is
4 granted.

5 **IT IS HEREBY RECOMMENDED** that Plaintiff's Complaint (#1-1) be dismissed with
6 prejudice.

7 **DATED** this 9th day of September, 2015.

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10 GEORGE FOLEY, JR.
United States Magistrate Judge